



February 4, 2014

VIA ECF

The Honorable David N. Hurd
United States District Court
Northern District of New York
Alexander Pirnie Federal Building
10 Broad Street
Utica, New York 13501

SO ORDERED:


DAVID N. HURD
United States District Judge

Dated:
2/5/14

Utica, NY

Re: **A. Anthony Corp. v. F&S Environmental, LLC**
Case No.: 3:12-cv-01858-DNH-DEP

Dear Judge Hurd:

This office represents Defendant F&S Environmental, LLC in connection with the above-captioned matter. On November 21, 2013, Your Honor filed a Judgment Dismissing Action by Reason of Settlement, which in part, held that the dismissal of the action without prejudice would become a dismissal with prejudice on the thirty-first (31st) day after the subject Judgment was filed. On December 20, 2013, Your Honor extended the deadline by which the matter would be converted to a dismissal with prejudice until February 5, 2014 due to the proposed January 10, 2014 settlement payment by Plaintiff.

In early January, Plaintiff advised that it could not meet the settlement payment deadline and Defendant agreed to allow Plaintiff to make several installment payments. Pursuant to the terms of the settlement agreement, Plaintiff's final installment payment is due on or before April 1, 2014. To date, Plaintiff has complied with all installment payment deadlines.

Accordingly, it is respectfully requested that Your Honor extend the deadline by which the matter will be converted to a dismissal with prejudice an additional time until April 28, 2014, so that all installment payments can be made by Plaintiff and, if necessary, Defendant will have sufficient time to file a motion to enter the Consent Judgment.

30 COLUMBIA TURNPIKE, SUITE 205
FLORHAM PARK, NJ 07932
TEL: (973)245-8100
FAX: (973)245-8101

445 HAMILTON AVE, SUITE 1102
WHITE PLAINS, NY 10601
TEL: (914)287-7711
FAX: (914)287-7715

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We thank Your Honor for his consideration of the above. Please feel free to contact this office if you have any further questions.

Respectfully,

PISCIOTTI, MALSCH & BUCKLEY, P.C.

/s/ Ryan L. Erdreich

Ryan L. Erdreich

cc: Alan J. Pope, Esq.